United Nations A/C.3/56/L.68

General Assembly

Distr.: Limited
20 November 2001

Original: English

Fifty-sixth session
Third Committee
Agenda item 119 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Australia, Austria, Canada, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Japan, Latvia, Liechtenstein, Luxembourg, Monaco, New Zealand, Norway, Portugal, Romania, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Cambodia

The General Assembly,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights[1] and the International Covenants on Human Rights,[2]

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,[3] including part III thereof, relating to human rights,

Recalling also its resolution 55/95 of 4 December 2000 and Commission on Human Rights resolution 2001/82 of 25 April 2001[4] and previous relevant resolutions,

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris on 23 October 1991,

---

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/46/608-S/23177.
[4] See *Official Records of the Economic and Social Council, 2001, Supplement No. 23* (E/2001/23), chap. II, sect. A.

01-65146 (E) 201101

Desiring that the international community continue to respond positively to assisting efforts to investigate the tragic history of Cambodia, including responsibility for past international crimes, such as acts of genocide and crimes against humanity during the regime of Democratic Kampuchea from 1975 to 1979,

Bearing in mind the request made in June 1997 by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, the letter dated 15 March 1999 from the Secretary-General to the President of the General Assembly and the President of the Security Council[5] and the report of the Group of Experts appointed by the Secretary-General annexed thereto, and the discussions held between the Government of Cambodia and the United Nations Secretariat on standards and procedures for bringing to justice the Khmer Rouge leaders most responsible for the most serious violations of human rights in the years 1975 to 1979,

Recognizing the legitimate concern of the Government and people of Cambodia in the pursuit of internationally accepted principles of justice and of national reconciliation,

Recognizing also that the accountability of individual perpetrators of grave human rights violations is one of the central elements of any effective remedy for victims of human rights violations and a key factor in ensuring a fair and equitable justice system and, ultimately, reconciliation and stability within a State,

Welcoming the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia,

I. Support of and cooperation with the United Nations

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the continued functioning of the operational presence in Cambodia of the Office of the United Nations High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

2. *Welcomes* the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights;[6]

3. *Welcomes also* the report of the Special Representative,[7] commends the Government of Cambodia on its openness and spirit of cooperation during the visits of the Special Representative, encourages the Government to continue its cooperation at all levels of government, supports the appeals of the Government of Cambodia and the Special Representative to increase international assistance to Cambodia and to continue working towards the reduction of poverty, commends the

[5] A/53/850-S/1999/231.

[6] A/56/230.

[7] See A/56/209.

international community for the interest and support demonstrated at the Consultative Group Meeting on Cambodia, held in Tokyo on 12 and 13 June 2001, and encourages donor countries and other relevant parties to follow up their pledges of assistance and commitments;

4. *Requests* the Government of Cambodia to continue to cooperate with the Office of the United Nations High Commissioner for Human Rights to resolve outstanding issues in accordance with international standards so that both parties, without further delay, can sign the memorandum of understanding for the extension of the mandate of the office in Cambodia of the High Commissioner, notes with regret the delays thus far encountered in the process, and encourages the Government of Cambodia to continue to cooperate with the office;

5. *Notes with appreciation* the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the High Commissioner, as defined in resolutions of the General Assembly and the Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing to the Trust Fund;

II. Administrative, legislative and judicial reform

1. *Notes with concern* the continued problems related to the rule of law and the functioning of the judiciary resulting from, inter alia, corruption, including interference by the executive with the independence of the judiciary, welcomes the continued commitment of the Government to reforming the judiciary, and urges the Government to continue to take the necessary measures to promote the independence, impartiality and effectiveness of the Supreme Council of the Magistracy and the judicial system as a whole and to increase its budgetary allocation to the judiciary, which is expected to result, inter alia, in a decrease in the number of excessive pre-trial detentions;

2. *Urges* the Government of Cambodia to continue its efforts towards the early adoption of the laws and codes that are essential components of the basic legal framework, including the draft statute on magistrates, a penal code, a code of criminal procedures, a new civil code and a code of civil procedure, as well as its efforts to reform the administration of justice and to enhance the training of judges and lawyers, appeals to the international community to assist the Government to this end, and welcomes, inter alia, the drafting of the forestry and fishery laws;

3. *Welcomes* the enactment of the Land Law, notes with concern the problems related to land, inter alia, land grabbing, forced evictions and further displacement, and urges the Government of Cambodia to continue its efforts to implement an effective, efficient and transparent land registration system, as envisaged in the Law, to solve these problems;

4. *Welcomes also* the efforts of the Government of Cambodia to implement its reform programme, including the adoption of the Governance Action Plan, encourages the timely and effective implementation of the Plan, and appeals to the international community to assist the Government in its efforts towards that end;

5. *Expresses serious concern* that the situation of impunity still exists in Cambodia, recognizes the commitment and efforts of the Government of Cambodia to respond to this problem, calls upon the Government, as a matter of critical priority, to take further measures to investigate urgently and prosecute, in accordance with due process of law and international human rights standards, all of those who have perpetrated serious crimes, including violations of human rights, and encourages the international community to provide means, such as technical assistance or expertise, to help the Government to meet its own commitments to bring perpetrators to justice more effectively;

6. *Welcomes* the efforts of the Government of Cambodia to demobilize its armed forces, including the launching of the first part of the demobilization programme, encourages the Government to implement the contents of the White Paper on National Defence and to continue to carry out effective reform, including the implementation of a full-scale demobilization programme that includes the disarming of demobilized soldiers based on the experience gained from a pilot project, aimed towards professional and impartial police and military forces, and invites the international community to continue to assist the Government to this end;

7. *Welcomes also* the enactment of the Law on the Administration of Communes/Sangkat and the Law on the Election of Commune/Sangkat Councils and the elections scheduled for 3 February 2002; strongly urges the Government of Cambodia, including at local and provincial levels, to conduct free and fair elections without violence to any party and encourages the international community to assist the Government to this end; strongly urges also all political parties to participate in the election in a democratic and peaceful manner and, in this regard, welcomes the agreement of the two parties in power to abstain from violence; urges the Government of Cambodia to investigate thoroughly any instances of violence and intimidation that occur; and stresses the importance of independent and transparent national, provincial and commune election committees;

8. *Notes with serious concern* the prison conditions in Cambodia, notes with interest some important efforts to improve the prison system, recommends the continuation of international assistance to improve the material conditions of detention, and calls upon the Government of Cambodia to take further measures to improve the conditions of detention, to provide proper health care to detainees, including by strengthening the coordinating role of the Prison Health Department with the Ministry of Health, provincial authorities and non-governmental organizations working in this field, and to prevent any form of torture;

III. Human rights violations and violence

1. *Expresses grave concern* about the continued violations of human rights, including torture, excessive pre-trial detention, violation of labour rights and forced evictions, as well as political violence, police involvement in violence and the apparent lack of protection from mob killings, as detailed in the reports of the Special Representative, notes some progress made by the Government of Cambodia in addressing these issues, and urges the Government to take all necessary measures to prevent such violations;

2. *Urges* an end to racial violence against and vilification of ethnic minorities, and urges the Government of Cambodia to take all steps to prevent such

violence, as well as to meet its obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination,[8] inter alia, by seeking technical assistance;

IV. Khmer Rouge tribunal

1. *Reaffirms* that the most serious human rights violations in Cambodia in recent history have been committed by the Khmer Rouge, and acknowledges that the final collapse of the Khmer Rouge and the continued efforts of the Government of Cambodia have paved the way for the restoration of peace, stability and national reconciliation in Cambodia and the investigation and prosecution of the leaders of the Khmer Rouge;

2. *Welcomes* the promulgation of the Law on the Establishment of Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea, noting with appreciation the general provisions and competence of the Law and its provision for a role for the United Nations, appeals to the Government of Cambodia to ensure that the senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia are brought to trial in accordance with international standards of justice, fairness and due process of law, encourages the Government to continue to cooperate with the United Nations on this issue, welcomes the efforts of the United Nations Secretariat and the international community in assisting the Government to this end, urges the Government and the United Nations to conclude an agreement without delay so that the Extraordinary Chambers can start to function promptly, and appeals to the international community to provide assistance in this regard, including financial and personnel support to the Chambers;

V. Protection of women and children

1. *Welcomes* the progress made in improving the status of women, and urges the Government of Cambodia to take appropriate measures to eliminate all forms of discrimination against women, to combat violence against women in all its forms and to take all steps to meet its obligations as a party to the Convention on the Elimination of All Forms of Discrimination against Women, including by seeking technical assistance;

2. *Notes with grave concern* the continued and growing phenomenon of trafficking in, and sexual exploitation of, women and children and the increasing incidence of HIV/AIDS, and requests the Government of Cambodia comprehensively to address these problems and their underlying causes;

3. *Urges* the Government of Cambodia to further improve the health conditions of children and their access to education, to provide and promote free and accessible birth registration, to establish an effective juvenile justice system that is consistent with international human rights standards, and invites the international community to continue to assist the Government to this end;

[8] Resolution 2106 A (XX), annex.

4. *Notes with serious concern* the problem of child labour in its worst forms, calls upon the Government of Cambodia to take immediate and effective measures to protect children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with their education, or be harmful to their health, safety or morals, inter alia, by enforcing Cambodian laws on child labour, the existing Labour Law and anti-trafficking law provisions on behalf of children and the prosecution of those who violate these laws, invites the International Labour Organization to continue to extend the necessary assistance in this regard, and encourages the Government of Cambodia to consider ratifying the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, Convention No. 182, adopted in 1999;

VI. Enhancement of human rights

1. *Recognizes* the importance of human rights education and training in Cambodia, commends the efforts of the Government of Cambodia, the Office of the United Nations High Commissioner for Human Rights and civil society in this field, encourages further strengthening and wider dissemination of these programmes, and invites the international community to continue to assist these efforts;

2. *Commends* the vital and valuable role played by non-governmental organizations in Cambodia, inter alia, in the development of civil society, and encourages the Government of Cambodia to ensure the protection of those human rights organizations and their members and to continue to work closely and cooperatively with non-governmental organizations in efforts to strengthen and uphold human rights in Cambodia, in particular in the lead-up to the communal elections;

3. *Notes with interest* the activities undertaken by the governmental Cambodian Human Rights Committee, the National Assembly Commission on Human Rights and Reception of Complaints and the Senate Commission on Human Rights and Reception of Complaints, stresses the importance of further promoting trust in those institutions and enhancing their activities, and invites the international community to extend its technical assistance to this end;

4. *Encourages* the Government of Cambodia in its efforts to establish an independent national mechanism for the promotion and protection of human rights, which should be based on the principles relating to the status of national institutions for the promotion and protection of human rights, known as the Paris principles,[9] working in close cooperation with civil society, and requests the Office of the High Commissioner to continue to provide advice and technical assistance in these efforts;

5. *Requests* the Government of Cambodia to follow up the recommendations made by the international human rights treaty bodies regarding the reports submitted by the Government, calls upon the Government to meet its reporting obligations under all international human rights instruments to which Cambodia is a party, and requests the office in Cambodia of the High Commissioner to continue to provide assistance in this regard;

[9] See resolution 48/134, annex.

VII. Land mines and small arms

1. *Expresses grave concern* at the devastating consequences and destabilizing effects of anti-personnel landmines on Cambodian society, welcomes the progress made by the Government of Cambodia in the removal of these mines and for victim assistance and mine-awareness programmes, encourages the Government to continue its efforts in this regard, and commends donor countries and other actors of the international community for their contributions and assistance to mine action;

2. *Expresses concern* at the substantial number of small arms still existing in society, commends the progress made by the Government of Cambodia in this regard and the cooperation of the international community in dealing with issues of small arms, and encourages the Government to cooperate in regional and international efforts to reduce the number of illicit small arms, including implementation of the existing programmes;

VIII. Conclusion

1. *Requests* the Secretary-General to report to the General Assembly at its fifty-seventh session on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

2. *Decides* to continue its consideration of the situation of human rights in Cambodia at its fifty-seventh session under the item entitled "Human rights questions".